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| 09/889,302      | 01/07/2002  | Johannes Gerardus Hendricus Terwindt | D41.12-0001         | 2341             |

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EXAMINER

CHANG, JULIAN

ART UNIT PAPER NUMBER

2152

DATE MAILED: 10/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/889,302

Applicant(s)

HENDRICUS TERWINDT ET AL.

Examiner

Julian Chang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 January 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 03/08/2002.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. Claims 1-8 have been examined.

#### ***Drawings***

2. Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

#### ***Specification***

3. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract of the disclosure is objected to because legal phraseology "means" appears on line 4. Correction is required. See MPEP § 608.01(b).

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 2, and 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. Regarding claim 2, it is unclear to the examiner how a user can start a switching program by clicking on the button of the navigator bar. The examiner understands the navigator bar as being displayed by the switching program, which should be started before a user is able to click on the buttons of the navigator bar. For the purpose of examination, the examiner will interpret the button functionality of claim 2 as those of starting the actual switching functionality of the switching program, as opposed to the starting of the switching program itself.

6. Claim 5 recites the limitation "the navigator bar" in line 6. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

7. Claim 8 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claimed computer program of claim 8, separate from a computer-readable medium, is directed to non-statutory subject matter.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1, and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Klingman (U.S. Patent 5,729,594).
9. Regarding claim 1, Klingman teaches a system for providing a connection between a user computer and a server which are connected to network ('communications using means available on most telephone equipment either POTS or ISDN for performing electronic shopping on the Internet transmission media', col. 1,

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lines 7-14), in particular the Internet ('Internet transmission media', col. 1, lines 7-14), wherein an external dial-up connection is installed the user computer ('client dials the 900 number using either a second ISDN channel or a POTS line', col. 10, lines 36-43), which dial-up data of an ISP are configured ('900 number terminal', col. 10, lines 36-43), by means of which dial-up data the user computer is capable of making a connection with the Internet via a telephone number ('900 number', col. 10, lines 36-43) forming part of the dial-up data ('with the product information', col. 10, lines 36-43), and wherein a browser program is available in the computer ('further include web browsers', col. 8, lines 19-28), wherein a switching program is available in the computer ('client's software', col. 13, lines 32-35), which switching program is capable making connection with a server by configuring dial-up data including a specific telephone number of the server in question in the dial-up connection ('client dials the 900 number using either a second ISDN channel or a POTS line', col. 10, lines 36-43; 'negotiates a common protocol via PPP through direct connection to the merchant's BUY server', col. 13, lines 32-35) and starting the browser program once the connection with said server has been made ('upon completion of PPP negotiations, WinSock can be used to send TCP/IP packets', col. 18, line 67 – col. 19, line 3), wherein the switching program connects to a URL address from said specific server or from another server via the browser program ('fetch the product being purchased from the BUY server', col. 18, line 67 – col. 19, line 3).

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10. Regarding claim 4, Klingman teaches a system wherein a carrier is used ('Internet transmission media', col. 1, lines 7-14), on which there is stored a switch file intended the switching program ('downloads the web page', col. 16, lines 41-51) which switch file contains dial-up data of a server ('HTML text strings such as: <#900 Dial="1-900-555-1234">', col. 16, lines 41-51) and an URL address which switching program is capable of making a connection by configuring dial-up data comprising a specific telephone number of the carrier which are stored on the carrier in the dial-up connection ('client dials the 900 number using either a second ISDN channel or a POTS line', col. 10, lines 36-43; 'negotiates a common protocol via PPP through direct connection to the merchant's BUY server', col. 13, lines 32-35) and of starting the browser program once the connection with network is made ('upon completion of PPP negotiations, WinSock can be used to send TCP/IP packets', col. 18, line 67 – col. 19, line 3), wherein the switching program connects URL address the server via the browser program ('fetch the product being purchased from the BUY server', col. 18, line 67 – col. 19, line 3).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 2, and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klingman, in view of Nielsen (U.S. Patent 5,813,007).

12. Regarding claim 2, Klingman teaches a switching program which uses a switch file for providing a connection ('downloads a webpage', col. 16, lines 41-51), wherein the switch file contains dial-up data of a server and an URL address ('new elements are defined and inserted into the HTML text strings such as: <#900 Dial="1-900-555-1234">', col. 16, lines 41-51; 'two elements above are obviously the 900# and costs associated with the desired product', col. 16, lines 48-51), including starting a switching program through a Web Page ('by retrieving the 900# from EMBED parameter or otherwise in calling WinISDN CONNECT() function to set up a data call', col. 18, lines 62-65), but fails to teach a navigator bar which includes a plurality of buttons of websites for enabling the user to start an application. However, Nielsen teaches a computer displaying a navigator bar ('bookmark window', col. 9, lines 43-51) containing a plurality of clickable icons, each showing one or more buttons of websites ('listing a number of bookmarked Web Page titles 403, each with an associated status icon 405', col. 9, lines 43-51, and Figure 4). Nielsen further teaches that the clickable button could be used to start a Web Page of interest, e.g., an application (col. 3, lines 10-13). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the use of buttons to start an application taught in Nielsen with the system of Klingman in order to simplify the user's future access to the bookmarked Web Pages (Nielsen: col. 1, lines 35-40).



13. Regarding claim 5, Klingman and Nielsen teach the invention substantially as claimed and described in claim 2, including making a connection with a specific URL address in the background (Nielsen: 'e-mail message is received by the recipient's e-mail facility', col. 13, lines 31-36; 'the user will not view the message', col. 13, lines 50-53) when a connection with the network exists, and downloading new switch files containing dial-up data and URL addresses via said URL address (Nielsen: 'if message is an update notification message, the process sends the relevant information to the WWW Browser application', col. 13, lines 42-45).

14. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Klingman, in view of Habraken ("Sams Teach Yourself Microsoft® Outlook™ 98 in 10 Minutes").

15. Regarding claim 3, Klingman teaches the invention substantially as claimed and described in claim 1, but fails to teach a system wherein a server sends a switch file through an e-mail. However, Klingman does teach the capability of embedding dialup data into html ('by retrieving the 900# from EMBED parameter', col. 18, lines 62-65), and starting a switching program by parsing the embedded data ('by retrieving the 900# from EMBED parameter or otherwise in calling WinISDN CONNECT() function to set up a data call', col. 18, lines 62-65). In addition, Habraken teaches formatting emails in HTML ('Hypertext Markup Language is used to design Web pages for the World Wide Web. Outlook 98 can send messages in this format', Lesson 9, page 1, line 13-14). It

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would have been obvious to one of ordinary skill in the art at the time of the invention to take advantage of the email features as suggested by Habraken in order to make emails more attractive and easier to read (lesson 9, page 1, line 2).

16. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Klingman, in view of Nielsen, and further in view of Stevenson, et al. ("Special Edition Using Microsoft Powerpoint 97").

17. Regarding claim 6, Klingman teaches a system, wherein the switching program of a URL address downloads a video presentation ('fetch the product being purchased from the BUY server', col. 18, line 67 – col. 19, line 3), including but fails to teach a system, wherein a video presentation comprises a switch file, which starts the switching program when a button in said presentation is clicked on so as to make a connection by means of data from said switch file. However, Klingman teaches a webpage as a switch file, wherein a connection is made by means of data from said switch file when the webpage is loaded, and Stevenson, et al. teach the linking to a webpage through the inclusion of URL hyperlinks in a presentation (chapter 19, page 1, lines 1-4). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Klingman with the teachings of Stevenson, et al. in order to link to the Internet through URL hyperlinks in a presentation (chapter 19, page 1, lines 1-4).

18. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Klingman, in view of Baker, Jr., et al. (U.S. Patent 4,942,602).

19. Regarding claim 7, Klingman fails to teach a system, wherein switching program comprises a number of back-up telephone numbers, which are used successively by the computer when a connection cannot be made via the first telephone number. However, Baker, Jr., et al. teach a system, wherein switching program comprises a number of back-up telephone numbers ('backup number', col. 31, lines 61-68), which are used successively by the computer when a connection cannot be made via the first telephone number ('if the primary number cannot be dialed because of problems in the lines or the network is overloaded, the backup number is dialed', col. 31, lines 61-68). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the use of a backup telephone number taught in Baker, Jr., et al. with the system of Klingman in order to allow the system of Klingman to connect to the destination server when the primary number cannot be dialed due to problems in the lines or overloading in the network (col. 31, lines 61-68).

### ***Conclusion***

20. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


- a. U.S. Patent 5,677,947 – Operating a telephone line telemetry device in a multiple host environment.

21. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julian Chang whose telephone number is (571) 272-8631. The examiner can normally be reached on Monday thru Friday 8am to 4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on (571) 272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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BUNJOB JAROENCHONWANIT  
PRIMARY EXAMINER